

Let me give you an example of how this technology transfer works. If a U.S. automaker wants to make cars in China—and a lot of them have wanted to and have made them there—China requires joint ventures in order to gain access to production technology that then helps foster China's own domestic auto industry.

In a number of businesses, China requires a 51-percent Chinese partner in a joint venture. Again, that is one way that technology transfer happens.

At first, China's foreign investment catalogue encouraged—that was the word—foreign auto investment. I was in China back in 1984, I believe it was—maybe 1985—at a Jeep plant. And I watched the first American vehicles go off the production line in China. I was there. I saw it. It was very positive. People were thinking: This is interesting. We are going to do business with China. Those Jeeps can then be sold in China and sold in other parts of Asia. It wasn't going to compete with the U.S. market. This was good for Jeep and good for China. That was at a time when they were encouraging foreign auto investment. But as China learned about auto manufacturing from these investments—in other words, they got knowledge about how to manufacture automobiles themselves—the foreign investment catalogue changed its position on auto investment from “encouraged” to “permitted” and then, more recently, in 2015, to “restricted.”

Again, this is an evolution, initially, bringing in a joint venture partner and getting the technology. It goes from “encouraged” to “permitted” and then finally to “restricted” now that China has that technology. That is kind of leapfrogging us, isn't it? Again, that doesn't seem fair, and it certainly is not reciprocal because we don't do the same thing here in this country.

This problem of fueling Chinese innovation with the hard work of U.S. companies is even more pronounced in the electric vehicle sector. There, China tries to incentivize the production of vehicles in China rather than imports from overseas. We would love to sell American electric cars in China, but they prevent this with a combination of things: tariffs, which are relatively high; subsidies for domestically produced electric cars; and a credit system that requires all automakers selling in China to produce a portion of their electric vehicles in China or face penalties. Again, we don't do that.

It is clear from this experience that China's unfair trade practices are at odds with the current rules-based, multilateral trading system.

I will continue to support the administration's efforts to increase pressure on China in order to reach a strong but fair and enforceable agreement. I argue that this is in China's interest, as well as in our interest. They are now a mature trading partner. They are now the greatest exporter in the world. They have an economy that is growing—

again, more sophisticated, more technology. They should want to protect their own intellectual property. They should want to be engaging with us and other countries around the world on a more fair basis.

While I urge the United States to hang tough, the administration should work quickly to try to bring these negotiations to a close because a combination of the retaliatory tariffs on U.S. exports and tariffs on Chinese consumer products here in America is causing pain for our farmers, for our workers, and for our service providers. So it would be good to bring these negotiations to a conclusion.

We were very close to doing that only a few weeks ago, and the reports back were that China had changed its view on some of the concessions they were willing to make. Let's get back to the table, and let's make a fair and enforceable agreement.

As part of increasing pressure on China, as the new tariff increases are designed to do, the United States must also better leverage our allies. The European Union, Japan, Korea, Canada, Australia, not to mention Vietnam and lots of other countries in Southeast Asia—all share our concerns that the administration has raised with regard to China. They are all experiencing the same thing. Leveraging our allies helps put pressure on China by demonstrating the broad consensus that exists among those who believe China often acts contrary to our rules-based, multilateral trading system.

When I was U.S. Trade Representative, I laid the groundwork for a number of successful World Trade Organization complaints against China by working with our allies. Key to our victory in those cases was our ability to rally and to kind of come up with a posse—the EU, Canada, Mexico, Japan, and other countries—to show China that the world was watching and cared. The administration's work with the EU and Japan on WTO reform and subsidies, right now, is a good step in the right direction. It shows how much is possible when we can rely on our friends and, therefore, gain more leverage. It is why it is important we don't adopt policies that actively undermine our ability to work with allies also.

That is another reason I was glad to see the administration delay any tariffs pursuant to this 232 we talked about on automobiles and auto parts. A lot of those 232 tariffs would have been imposed on our allies. Not only do autos and auto parts from our allies or anywhere else in the world not threaten our national security, but it also invites retaliation on U.S. exports and poisons the well of good will we need with our historic allies as we pursue a resolution of our differences with China.

Let me end where we started—about balanced trade. All America needs is a level playing field. We can compete. We have the ability to innovate. We have the ability to be flexible. We have a lot

of advantages in this country, but we do need a level playing field. All we ask for is fair and reciprocal treatment from our trading partners. The sweet spot for America is that balanced approach—again, opening up new markets for U.S. products while insisting on trade enforcement so that our workers can compete.

As we talked about today, right now, we have a lot of balls in the air in relation to trade. This has caused some uncertainty among our trading partners, with American businesses, workers, and farmers that rely on trade. I get that.

Let's prioritize passing USMCA with Canada and Mexico. That will provide some certainty. Let's support the administration in bringing home a strong agreement with China. That will provide a lot of certainty. And let's not impose new section 232 tariffs. That will also provide some certainty and predictability.

With that predictability and certainty further leveling the playing field, we can help American farmers, American workers, American businesses, and our economy.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CRAMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDERS FOR THURSDAY, MAY 23, 2019

Mr. CRAMER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until 9:30 a.m., Thursday, May 23; further, that following the prayer and pledge, the time for the two leaders be reserved for their use later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### IRAN

Mr. LEAHY. Mr. President, many of us are increasingly concerned that, since President Trump's reckless decision to abandon the multilateral nuclear agreement with Iran, which by all accounts Iran had been complying with, the administration has been on a collision course that could draw us into a war with Iran. Although the President insists that is not what he wants, he is known to change his mind on a whim, and the statements and actions of others in his administration, including some who were vocal proponents of the unnecessary and costly war in Iraq, leave little doubt that they favor a policy of regime change.

We all deplore Iran's support for terrorism, its ballistic missile program, its horrific violations of human rights, and its constant outpouring of hateful

anti-American, anti-Israel rhetoric, but a war with Iran would be far worse, and no one can be certain how it would end. As tensions increase, a misunderstanding or provocative act by either Iran or the United States could quickly trigger retaliatory strikes that spiral out of control, drawing us, our allies, and our adversaries into protracted hostilities. Rather than risk that potentially disastrous result, the administration should be partnering with our European and Middle Eastern allies on a strategy of negotiations to reduce regional tensions. In that regard, I ask unanimous consent that a recent op-ed in "The Guardian" by Peter Westmacott, former British Ambassador to the United States, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Guardian, May 21, 2019]

TO DEFUSE THIS CRISIS THE US MUST START  
TALKING TO IRAN

(By Peter Westmacott)

As Washington raises the stakes, the risk of a misunderstanding is high—and it could lead to a new conflict in the Middle East.

Washington's foreign policy hawks—and by extension for the rest of us. Donald Trump says he doesn't want a war with Iran, but his national security adviser, John Bolton, has despatched warships and bombers to the region while the US secretary of state Mike Pompeo has been sharing worrying intelligence about Iranian intentions with close allies and congressional leaders.

What's going on? It's now a year since Trump tore up the nuclear deal with Iran negotiated in 2015 by the Obama administration along with Britain, France, Germany, Russia, China and the EU. Since then, egged on by Israel and the Gulf states, he has announced new sanctions, despite Iran's full compliance with the terms of the deal, and tried bullying the Europeans and others into applying US sanctions in order to deny Iranians the economic benefits they were promised.

After a year of waiting to see if the other signatories would make the deal work without US cooperation, the Iranians announced earlier this month that they would no longer fully comply with the uranium and heavy water restrictions of the agreement—and that, unless the Europeans could help with oil and banking within 60 days, more drastic measures would follow. Western governments sometimes forget that the Iranian government is not a monolithic entity, and that the officials they are used to dealing with, such as president Hassan Rouhani and foreign minister Javad Zarif, are under constant pressure from hardliners who point to the lack of any return on the investment Iran made four years ago.

Since Trump pulled the plug, the Europeans have been working on a scheme to allow some forms of trade with Iran to continue independently of the US. Its effects have been limited, leading the supreme leader, Ali Khamenei, to convince himself—wrongly—that the Europeans were only ever playing good cop to Washington's bad cop. As US sanctions continue to damage the Iranian economy, Trump says he is still interested in some kind of grand bargain. Tehran should call me, the president says, perhaps not realising that there would be huge political consequences for anyone who did.

But outside the US, the impression has grown that the hawks in the Trump adminis-

tration are more interested in regime change than in policy change—and by military action if necessary. There are shades here of Iraq 2003, when the George W Bush administration was desperate to prove that Saddam Hussein had weapons of mass destruction. It is nonsense to claim, as Pompeo did last month, that "there is a connection between the Islamic Republic of Iran and al-Qaida. Period. Full stop". Al-Qaida's roots are in Sunni, Wahhabist Saudi Arabia, and it hates Shia Iran almost as much as it hates the US and its allies.

The Europeans have never disagreed about the nature or extent of Iran's destabilising activity in the region. But they don't buy the regime change argument, knowing from experience that outside pressure is more likely to strengthen rather than weaken the hardliners. They also still believe that the best way to prevent Iran acquiring nuclear weapons is to stick with the deal.

There is now a real risk of the world finding itself with another Middle Eastern conflict on its hands, by accident or miscalculation. What can be done? As many of us have been saying to Iranian officials for some time, they should help others to stand up for the nuclear deal by moderating Iran's behaviour in the region: stop supplying sophisticated weaponry to Hezbollah in Lebanon; and stop supplying missiles to the Houthi militia in Yemen that perpetuate the horrific civil war. Iran could use its influence over President Bashar al-Assad to press him to avoid further bloodshed in Syria. And it could end the imprisonment and abuse of dual nationals and other Iranian citizens on specious grounds.

Some suggest that current tensions may be partly the result of misunderstandings between Tehran and Washington. That wouldn't be surprising, given the long history of distrust and the absence of diplomatic relations between the two countries for 40 years. But it serves as a reminder that some form of direct communication is essential: both sides should move quickly to activate private channels.

Back in 1987—when the UN security council was trying to stop the Iran-Iraq war Saddam had started (with western encouragement) seven years earlier—the council passed a resolution calling for an immediate ceasefire and a withdrawal to international borders. It didn't manage to stop Saddam launching another, ultimately unsuccessful offensive. But tucked away in paragraph eight was a request to the secretary general "to examine, in consultation with Iran and Iraq and with other states in the region, measures to enhance the security of the region".

That resolution is still valid. Why not look again at the idea of all the regional powers, under UN auspices, coming together with a view to lowering tensions? A recent OpEd in the New York Times by Abdulaziz Sager, a Saudi Arabian academic, and Hussein Moussavian, a former Iranian nuclear negotiator, argues that the time for the region's two big rivals to sit down and try to bury the hatchet might just have come. So much is at stake that it's surely worth a try.

#### TRIBUTE TO JOHN PAUL STEVENS

Mr. LEAHY. Mr. President, it has been nearly a decade since Justice John Paul Stevens retired from the Supreme Court. His absence on the bench is perhaps felt more now than ever. Justice Stevens' nomination was the first of 18 Supreme Court nominees I have considered in my years in the Senate. As a young Senator, it was a

privilege to support his confirmation in 1975. It was a vote I have long been proud of. Justice Stevens had a storied tenure on the Supreme Court and ultimately became the third longest serving Justice in our Nation's history.

Justice Stevens' commitment to the law and conduct on the bench was beyond reproach. His legacy is one of integrity, dedication to public service, and a recognition that the Constitution protects all Americans equally. He was part of majorities that protected LGBT rights, disability rights, and limited the death penalty.

The Supreme Court has never been perfect. Justice Stevens would be the first to acknowledge as much, but I cannot help but compare his many years on the Court with today. Today, the Supreme Court almost reflexively sides with corporate interests over individuals' interests, even when precedent or so-called textualism and originalism stand in the way. We have also seen an unprecedented blockade of a Supreme Court nominee, and we have a President intent on nominating the most ideological nominees to the bench I have ever seen, nominees who have been preapproved by opaque far-right special interest groups. Many of these nominees have long records of outright hostility toward reproductive rights, environmental protections, and voting and civil rights. They even refuse to accept that *Brown v. Board of Education*, a foundational civil rights decision settled 65 years ago, is indeed settled law. It is equally predictable and deeply unfortunate that Americans increasingly view the courts as a purely political institution.

Our Constitution and laws are intended to serve the people, protecting the freedom of individuals from the tyranny of government and helping to organize our society for the good of all. It is up to the judiciary to ensure our laws have meaning. This is a duty Justice Stevens' recognized and relished.

How I miss his jurisprudence, his steady voice, and his leadership.

I ask unanimous consent that a May 11, 2019, feature by Robert Barnes from The Washington Post entitled, "John Paul Stevens looks back on nearly a century of life and law, but worries about the future," be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 11, 2019]

JOHN PAUL STEVENS LOOKS BACK ON NEARLY  
A CENTURY OF LIFE AND LAW, BUT WORRIES  
ABOUT THE FUTURE

(By Robert Barnes)

FORT LAUDERDALE, FL.—John Paul Stevens spent more than a third of his near-century on Earth at the Supreme Court, where he often was on a different page from a majority of his fellow justices.

"It happens so often that you have to get used to losing," Stevens, 99, said during an interview this last week at his condominium here, just steps from the Atlantic Ocean. "My batting average was probably pretty low."